

Chapter 251

TREE REMOVAL

GENERAL REFERENCES

Planning Board — See Ch. 41.

Parks — See Ch. 193.

Brush and weeds — See Ch. 93.

Soil removal — See Ch. 231.

Code enforcement — See Ch. 105.

Subdivision of land — See Ch. 239.

§ 251-1. Permit required. [Amended 3-5-2013 by L.L. No. 1-2013]

No person, firm, corporation or individual connected with or employed by such firm or corporation shall remove, cut down or destroy any tree with a trunk exceeding 12 inches in diameter at a height of four inches measured from the ground on any private property, unless such person, firm or corporation has obtained a permit to do so from the Superintendent of the Department of Public Works pursuant to § 251-2 hereof.

§ 251-2. Permit procedures.

- A. Application for permits must be made in writing to the Superintendent of the Department of Public Works upon forms prescribed by that official. Denial of permits by the Superintendent of the Department of Public Works may be appealed to the Board of Trustees. The Board of Trustees is authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping.
- B. Permits for the removal, cutting or destruction of trees may be granted under the following circumstances:
 - (1) If the presence of the tree would cause hardship or would endanger the public or the person or the property of the owner or of an adjoining owner.
 - (2) If the tree is diseased or threatens the health of other trees.
 - (3) If the trees substantially interfere with a permitted use of the property and there is no practical alternative other than removal and the removal of the trees shall be performed in a selective manner.
- C. Revocation of permit. If the Superintendent of the Department of Public Works determines that removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the Superintendent of the Department of Public Works may revoke the permit.

- D. Any tree removal application involving property for which development is proposed shall be referred to the Village of Suffern Planning Board for its review and recommendation. The Planning Board shall render its recommendation to the Superintendent of the Department of Public Works within 60 days from receipt of such referral. The Superintendent of the Department of Public Works shall not act contrary to said recommendation without specifying his reasons therefor and, if the Superintendent of the Department of Public Works recommends action contrary to the recommendation of the Planning Board, such permit shall not be issued until approved by the Board of Trustees, which may take whatever action on such application as it deems to be appropriate in furtherance of the public health, safety and welfare of the Village.

§ 251-3. Penalties for offenses; enforcement.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$5,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each tree removed, cut down or destroyed in violation of this chapter shall amount to a separate violation.
- B. In addition to any other penalty, the violator will be required to replace, in kind, each and every tree removed, cut down or destroyed in violation of this chapter. If a tree was so large and mature that it cannot be replaced, the Superintendent of the Department of Public Works may require the planting of multiple trees instead. No certificate of occupancy shall issue for any new construction on the property on which occurred any violation of this chapter unless and until the provisions of this subsection have been complied with.
- C. The Superintendent of the Department of Public Works, Code Enforcement Officer and Building Inspector, are authorized to enforce the provisions of this chapter by the issuance of appearance tickets.